

FILED

JANUARY 26, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

CATHERINE M. CUNNINGHAM, M.D.

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CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners upon the Board's receipt of a report from the Medical Practitioner Review Panel detailing the results of an investigation conducted by the Panel focused upon care provided by respondent Catherine Cunningham, M.D., to patient P.K. The Panel commenced its investigation upon the receipt of information that a payment was made on respondent's behalf to settle a civil medical malpractice action brought by patient P.K., wherein it was alleged that respondent failed to diagnose and treat a Group A strep infection, resulting in the premature delivery and death of P.K.'s infant and the need for a total abdominal hysterectomy.

The Panel reviewed available records and information concerning the malpractice action, and considered testimony offered by respondent when she appeared before the Panel on June 16, 2006, represented by Peter Korn, Esq. At the conclusion of its investigation, the Panel found that respondent engaged in repeated acts of negligence in the course of providing care to patient P.K. Specifically, the Panel found that respondent engaged in repeated acts of negligence, to include: 1) failing to ensure appropriately

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intense maternal-fetal surveillance in the hours following P.K.'s hospital admission on December 27, 1999; 2) failing to recognize a deteriorating clinical picture requiring earlier intervention and earlier delivery, and 3) failing to check the results of cultures and lab tests, and to commence postpartum treatment of P.K., based on the finding of Group A streptococcus in the genital tract. The Board has adopted the report and all findings made by the Panel.

The Board having found that respondent engaged in repeated acts of negligence and that cause for disciplinary action against respondent therefore exists pursuant to N.J.S.A. 45:1-21(d), and the parties desiring to resolve this matter without need for formal disciplinary proceedings, and the Board being satisfied that the need for such proceedings is obviated by the entry of the within Order, and being further satisfied that good cause exists to support entry of the within Order,

IT IS on this 25th day of January 2007,

ORDERED AND AGREED:

1. Respondent Catherine Cunningham, M.D., is hereby reprimanded for having engaged in repeated acts of negligence in connection with care provided to patient P.K., as detailed above.

2. Respondent is assessed a civil penalty in the amount of \$5,000, which penalty shall be payable in full upon entry of this Order.

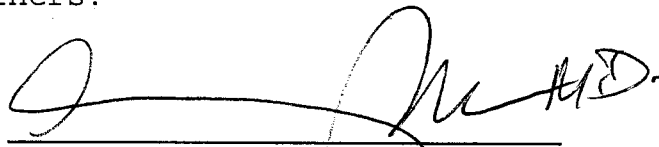
3. Respondent shall attend and successfully complete a course, acceptable to the Board, in gynecological infectious

diseases. The course is to be completed within nine months of the date of entry of this Order. Prior to commencing said course, respondent shall provide information detailing the content of the course she intends to take (i.e., a course syllabus) to the Medical Educational Director of the Board, and shall obtain approval from the Medical Educational Director for any proposed course. Respondent shall additionally be responsible to ensure that the course provider submits written confirmation to the Board, following the course, that respondent attended and successfully completed said course.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD
Sindy Paul, M.D.
Board President

I consent to the entry of this Order
by the State Board of Medical
Examiners.


Catherine M. Cunningham, M.D.